



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CONWAY SCHOOL DISTRICT	:	
	:	
Petitioner	:	
	:	
v.	:	CASE NO. T-0221:7
	:	
CONWAY EDUCATION ASSOCIATION, NEA-NH	:	DECISION NO. 87-64
and JOHN M. FARRELL	:	
Respondents	:	
	:	

DECISION AND ORDER

The Conway School District, through its Attorney, Jay C. Boynton, filed an unfair labor practice complaint against the Conway Education Association and John M. Farrell requesting that PELRB order the Association's demand for arbitration be withdrawn stating that the existing collective bargaining agreement by and between the parties prevents a non-tenured, non-renominated teacher from grieving his/her non-renewal. (See Article 3-7.2)

The Association denies any breach of the collective bargaining agreement by its demand for arbitration and states that the arbitrability of the issues contained within a collective bargaining agreement is the subject for an arbitrator and not PELRB; and, further that the issue being grieved by the Respondent, John M. Farrell is the "failure to give two (2) evaluations per year to renewal consideration" a requirement under Article V, Sec. 5-1.2, 5-2.2, 5-2.3 and 5-4.

At a preliminary hearing October 13, 1987, PELRB ordered the parties to take no further action until a full board hearing to be held on October 20, 1987.

After hearing the evidence and testimony at the October 20th hearing, PELRB finds:

1. The non-renewal of non-tenured teachers is not grievable.
2. The evaluation procedure is a grievable matter, however in the instant case, the procedure was not timely filed.
3. The request for arbitration by the Conway Education Association to be withdrawn.

Signed this 23rd day of October, 1987.


EDWARD J. HASELTINE, Chairman

By unanimous vote. Chairman Haseltine presiding. Members Anderson, Roulx and Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun. (Detailed decision to follow).